

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

The Examiner has determined that newly submitted claims 11 and 16-18 are directed toward a different species than the originally filed claims. In order to expedite prosecution, applicant has withdrawn claims 11 and 16-18, with the understanding that these claims will be reintroduced and reconsidered upon allowance of a generic claim.

Claim 9 stands rejected as containing subject matter that is not described in the specification. Specifically, the term "section modulus" has been found to be lacking in the specification. Upon a more thorough review of the application, it has been found that a minor mis-translation of the original Japanese priority application has occurred. More specifically, the term "cross-sectional coefficient" has been used in the specification whereas the more common term "section modulus" has been used in claim 9. It is believed that even though "cross-sectional coefficient" may be equivalent to "section modulus", "section modulus" is the more appropriate term in this situation. Accordingly, the relevant portion of the specification has been changed so that the term "section modulus" is now used throughout the application. The Examiner's approval of this change, and withdrawal of the objection under §112, first paragraph, is requested.

With regard to the Examiner's comments provided in the second paragraph of page 4 of the Office action, the Examiner is referred to paragraphs [0055]-[0063] of

the application (substitute specification) wherein a detailed explanation of the relationship between the thickness and section modulus is provided.

Claims 1-3, 9, 10, and 12-15 stand rejected as being unpatentable over the Prior Art of Figs. 19A-19B in view of British Patent 2,197,810. For the following reasons, the Examiner's rejection is traversed.

The Examiner has indicated that Figs. 19A-19B teach a backing plate joined to a blank material, as in the claimed invention. However, the backing plate of Figs. 19A-19B lacks holes formed along the bending line. The Examiner has recognized and acknowledged this deficiency of the admitted prior art of Figs. 19A-19B. In order to remedy this deficiency, the Examiner has cited the British '810 patent.

The Examiner is citing the British '810 patent as teaching a plate having holes formed along the bend line to facilitate bending thereof. In this regard, it is noted that the portion of the British '810 disclosure relied upon by the Examiner is actually in the "Background" section of the disclosure and is referred to as being undesirable as it "gives a somewhat unsightly result". To improve upon this undesirable structure, the British '810 patent actually teaches forming grooves in the metal at the bend line.

Nevertheless, it is noted that the British '810 patent does not pertain to backing plates, or to assemblies comprising a backing plate and a blank, but rather pertains to what may be best considered a blank material for use in forming a cabinet or box. Therefore, with this in mind, it is noted that neither of the references teaches a backing plate having apertures or holes formed at the bend lines. In fact, the British Patent teaches that such holes (albeit in the blank) are undesirable in a bent metal part. Therefore, if the Prior Art of Figs. 19A-19B were combined with the teachings of British Patent 2197810, (and keeping in mind that the British '810

patent teaches that holes in the blank are unsightly) the resulting structure would include a solid backing plate and a blank having grooves formed at the bend lines. Moreover, even if the references are combined as advocated by the Examiner (ignoring for the moment that the British Patent does not advocate forming holes in the blank at the bend lines), the resulting structure would be a solid backing plate and a blank having holes at the bend lines.

Accordingly, neither of the references teaches "a backing plate joined with the blank material and having a bent portion corresponding in position to, and bent along a same bending line as, the bent portion of the blank material, the backing plate further having at least one aperture formed therein at the bent portion thereof and located on the bending line" as required. Reconsideration and withdrawal of the rejection of claim 1 is requested. It is further submitted that claims 2-3, 9, 10, and 12-15 are patentable over the combination of Figs. 19A-19B and the British '910 patent.

With specific reference to claim 9, it is noted that neither of the references teaches or suggests that "the aperture is designed so as to make a section modulus of the backing plate equal to a section modulus of the blank material". Accordingly, claim 9 is considered to present independently patentable subject matter.

Claims 1-3, 9, 10, and 12-15 stand rejected as being unpatentable over Figs. 19A-19B, which have been indicated as Prior Art, in combination with Japanese Patent 59-202119. The Examiner's rejection is traversed for the following reasons.

The Examiner is citing the JP '119 patent as teaching a plate having holes formed along the bend line to facilitate bending thereof. It is noted that the JP '119 patent does not pertain to backing plates, or to assemblies comprising a backing plate and a blank, but rather pertains to what may be best considered a blank

material. Therefore, with this in mind, it is noted that neither of the references teaches a backing plate having apertures or holes formed at the bend lines. Therefore, if the Prior Art of Figs. 19A-19B were combined with the teachings of JP '119 the resulting structure would, at best, (and ignoring for the moment that the JP '119 reference does not disclose or suggest a backing plate), be a solid backing plate and a blank having a hole at the bend line. Clearly, such structure would not read on the claimed invention.

Accordingly, neither of the references teaches "a backing plate joined with the blank material and having a bent portion corresponding in position to, and bent along a same bending line as, the bent portion of the blank material, the backing plate further having at least one aperture formed therein at the bent portion thereof and located on the bending line" as required. The references, either alone or in combination, fail to teach all of the elements of the claimed invention.

Reconsideration and withdrawal of the rejection of claim 1 is requested. It is further submitted that claims 2-3, 9, 10, and 12-15 are patentable over the combination of Figs. 19A-19B and the British '910 patent.

With specific reference to claim 9, it is noted that neither of the references teaches or suggests that "the aperture is designed so as to make a section modulus of the backing plate equal to a section modulus of the blank material". Accordingly, claim 9 is considered to present independently patentable subject matter.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. SHM-12585.

Respectfully submitted,

RANKIN, HILL, PORTER & CLARK LLP

By   
David E. Spaw, Reg. No. 34732

700 Huntington Building  
925 Euclid Avenue  
Cleveland, Ohio 44115-1405  
(216) 566-9700  
Customer No. 007609